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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 18 May 1946, 1000-1300, Lord Justice Lawrence presiding.

MR. DODD: Mr. President, with respect to the application for documents of defendant Seyss-Inquart, 87 documents all together have been submitted to the Prosecution, and we have gone over them in the German. After numerous conferences with counsel for the defendant Seyss-Inquart, we find we are unable to agree on 17 of these documents. As of yesterday the number was 20, as I so stated, but we have now reduced it to 17.

Document Number 5 in the defendant's list is a copy of a resolution of the German National Assembly on the 21st of February 1919, advocating Anschluss between Austia and Germany

We have told counsel we object to it as being really irrelevant here and immaterial. It is a resolution of a German parliamentary body, and it doesn't seem to us to make any difference what they were thinking of Anschluss in 1919.

Document Number 10 is an extract from a newspaper article published in October 1945 and written by a man named Walford Selby. It is a critical article criticizing the Treaty of St. Germain for not avoiding the obliteration of the Austro-Hungarian economic entity, and it discusses what it describes as the mistakes of 1919, and so on.

We understand that it is intended to explain, with other documents, the economic background of the Anschluss movement. Whatever may be said for that type of proof, there are at least five other documents on the same basis., and we made no objection to them. But we did feel that somewhere this sort of thing, even if relevant, certainly became cumulative. Documents 7, 12, 26 and 33 are all on the same subject, the economic background of Anschluss, and this is a long one. Therefore, we feel that it certainly is not necessary and doesn't add very much and merely

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creates a lot of paper work, and is cumulative.

Document Number 11 is a speech delivered by a Dr. Schober, giving the area and population of the Republic of Austria. We haven't any very serious objection to this type of thing excepting that there probably are better sources if the defendant wishes to establish the area and population of Austria in 1921

Further, it seemed to us that the Tribunal could very well take judicial knowledge of the area and population of Austria as of that date from reliable

Document Number 14 is a statement by the former Chancellor of Austria in 1922 to the effect that Austria belongs to Germany.

Our objection is again based on the cumulative feature of this document, because there are at least three other documents with almost identical statements, by Dr. Renner to which we have made no objection.

Document 19 is an extract from a book written by a man called Kleinschmied, and the extract purports to show that a number of politicians lived or prospered on the Anschluss movement in Austria,

That doesn't seem to us to be very important here or likely to help the Tribunal very much.

THE PRESIDENT: Mr. Dodd, what exactly does "lived from the propaganda" mean? That they made their living by means of propaganda, or what?

MR. DODD: Yes. It purports to show that they made it a vehicle for carrying on political activities, and made an issue of it and sustained themselves politically.

Number 21 is an extract from Kunschak's book, "Austria 1918-1934," and it give the increase in the National Socialist votes in Austria from 1930 to 1932. That didn't seem to us to be very material or very helpful or likely to be helpful to the Tribunal. We objected to it on the grounds that it is irrelevant and immaterial.

Document Number 22 is an extract from an article in the "Neue Freie Presse" of August 1932, opposing the League of Nations loan.

This again is submitted to prove the flow or the continuity of the Anschluss movement. There is at least one other document, Number 23,

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which purports to establish the same principle or the same kind of proof.

Number 27 is an extract from an article written by Martin Fuchs, "Un Pacte avec Hitler," and it discusses the Yugoslav policy with respect to Anschluss between Germany and Austria.

Again that doesn't seem to the Prosecution to have any direct bearing or any helpful bearing upon the issues here, whatever the Yugosalvs thought about it.

Number 31 is an extract from the "Neue Zeitung" of the 11th of January 1946, where Gordon Walker states that the celebration in Austria after the Anschluss was genuine.

Well, that is Mr. Walker's opinion, and there is some other substantial opinion on the other side. We doubt very much that his opinion is material here or competent.

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THE PRESIDENTL Who is he?

MR. DODD: I understand he is a member of the Labor Party in Great Britain, and a writer.

Number 39 is an extract from the Archiv of 1938. This sets forth a statement made by Senator Borah, of the United States, that the Anschluss was a natural and inevitable affair and had nothing to do with the Unites States. This was not a speech made by the late Senator Borah in the Senate; it was his own opinion, and it does not seem to us that it would be very helpful. Some later opinions of Senator Borah were not so helpful, and this doesn't seem to be very likely to be helpful to the Tribunal with respect to this issue.

Number 47 is an extract from Zernatto's book, "The Truth about Austria". Zernatto was one of the State Undersecretaries of Austria, as the Tribunal knows. He left the country after the Anschluss and went to the United States, and wrote this book. He makes a number of statements, I might say, about the defendant Seyss-Inquart.

TheTribunal would be interested in knowing that this document 47, and documents 48, 50, 54, 55, 60, and 61 are all extracts from the same book.

Now, we felt that wherever he reports a conversation with Seyss-Inquart, that would have bearing and relevancy before the Court; but where he expresses his opinion, we have more doubt about its relevancy.

This one statement, number 47, seems to be his opinion. He doesn't cite any conversation or anything other than what appears to be his impression that Seyss-Inquart disassociated himself from Leopold's efforts.

Now, we do not object to 48 and 50, or to 54, because, although we originally though we would object, on reviewing them they appeared to set out actual conversations between Zernatto and Seyss-Inquart, and it might be helpful to the Tribunal. Therefore, we do not object to the next three.

However, 55, again, is a statement in Zernatto's book that, in Zernatto's opinion, Seyss-Inquart was a figure on the chess board and was double-crossed by the Nazi or new Party leadership. We object to that for the reason that I have stated, it is the author's opinion. He is deceased, by the way, and is certainly not available. In any event, we do not think his opinion can be very helpful.

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Number 60 is also a statement from Zernatto's book, which sets out a conversation with an unnamed Austrian Nazi. We felt that was altogether too vague and would not be of value or helpful.

In number 61, again, the author Zernatto expresses his opinion that Seyss-Inquart was afraid of Shouldering responsibility.

I don't want to stress our objections too heavily to these extracts. I don't think they are very harmful, certainly, but I rather object because we would like to cut down some of this printing, and I do not think they will be very helpful to Seyss-Inquart.

Number 68 is the first document on anti-Semitism, and it is an excerpt from the publication entitled, "The Elements of National Socialism", by Bishop Alois Hudal. It explains anti-Semitism in Germany and Austria, and it goes on to discuss matters that the Tribunal has heard very much about through other defendants, the disproportionate position of the Jewish population in Germany, and so on. We object to it as not being helpful and not material.

Again, 69 is another extract from Zernatto's book on the causes, as some of these people see it, of anti-Semitism. It is his opinion and does not seem to be helpful or material here.

Number 71 is on the Slovak question. I doubt that there has been any serious claim made anywhere in this case that at various times the Slovaks have not claimed autonomy. This extract from the Archiv of 1938, in so far as we can discover, seems to establish that they did want autonomy. Well, we don't think that is very important here, and it will not be helpful to the Tribunal or to Seyss-Inquart.

THE PRESIDENT: Is it a document of State?

MR. DODD: Well, it is a document from the Archives, and in that sense it is a public document.

THE PRESIDENT: After Slovakia had been taken over by the Reich?

MR. DODD: No, not afterwards, in 1938, and it preceded the taking over.

THE PRESIDENT: Oh yes.

MR. DODD: Those are our objections, Mr. President. I do think we have tried to be rather --

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THE PRESIDENT: Of course, Mr. Dodd, we are only considering now the question of objections to publication, or rather, to translation. We are not considering the question of admissibility, nor are we binding you not to object to them after they have been translated.

MR. DODD: Yes, I am aware of that, Mr. President. We tried to be, I think, fairly generous about this list. The excerpts, or most of them, are not too long. We did think we would have to call a halt somewhere, and I do not think our 17 objections out of the 87 listed are very strict or are pinching, really, the defendant Seyss-Inquart.

DR. STEINBAUER (Counsel for defendant Seyss-Inquart): Your Lordship, High Military Tribunal. I know that you value my small country, Austria, not only because of its

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ancient culture, and not only because of its scenic beauty, but also for the reason that it was the first country which lost its freedom through Hitler.

However, with all the respect which you have for my country, I cannot expect of you that, as representatives of the larger powers, you know the history of my country to the last detail.

I do believe that it is important for the defense of Seyss-Inquart-- it is of the utmost importance, in fact-- that you understand fully out of what background and out of what motive this man acted the way he did.

I myself can see three reason which led to the Anschluss.

First of all, the economic need of the country, which beginning in 1918, ran like a red thread, up until the year 1946.

The second reason, and I shall try to be very brief--

THE PRESIDENT: Dr. Steinbauer, will you come to the actual documents as soon as possible, because, you will remember, we are only discussing the question of whether they should be translated.or not.

DR. STEINBAUER: Yes.

The second reason, Your Honor, was the disunity of the Democratic Party.

The third reason was the action of the surrounding powers.

With those threee reasons, and with that background, I assembled my documents.

The first document is a resolution of the German National Assembly, the Weimar Assembly, and I am of the conviction that it is important in judging that the Anschluss was not only a wish of the Austrian population, but of the entire German people, and I request that this document be granted me.

The second document is drawn up by Selby, who was an Englishman, who lived in Vienna and who was a friend of our country. He knows the economic background and economic conditions in Austria, conditions which led to the Anschluss. That was the reason for my including this document.

The next document is an extract from a speech delivered by

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Chancellor Dr. Schober, who had world reknown and who, in this speech, referred to the difficulties and the burdens which were imposed on Austria, which were tremendous and almost impossible of being shouldered by Austria.

The next document is a statement by the current President, Dr. Karl Renner, from a speech which was delivered in 1922.

At that time Dr. Seipel went again and, with great difficulty, put through a loan which was of great importance to us because, at the same time, it was demanded o f Austria, that we should forego independence for ten years' duration. That meant that we would not take any steps to change the demands for an Anschluss.

Renner opposed Seipel in Parliament at that time.

This document is in no way cumulative to document 33 since, in document 33, I only described the economic situation as it obtained in the year 1938.

The next document is number 2 of my evidence, and it deals with the strong political propaganda for the Anschluss.

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In any event, I must dispute most strongly the assertion that Document No. 21 is irrelevant. I consider it extemely important, since this new, young party, which arose on the fertile soil of economic disunity in the years 1931 and 1932, grew tenfold, and in that way it was widespread and active political opposition to the existing regime.

The next document, No. 22, is an extract from an article which again shows the economic situation at a period of time which was very important to history, when Chancellor Dollfuss traveled to Lausanne in order to receive another loan from the League of Nations, and we again were restricted to refuse thoughts of an Anschluss for another ten years.

This document, No. 22, as well as No. 23, is not cumulative, since one shows the plitical and the other the economic position of the members of Parliament with respect to the League of Nations' loan in the year 1932.

The next document is only an extract from the position taken by the various surrounding states of Austria in relation to the Anschluss. I selected only Yugoslavia, for Yugoslavia was the country that was most strongly in favor of the Anschluss.

As far as Document 31 is concerned, I would like to remark, in addition to the remarks made by the Prosecution, that Gordon Walker is not only a member of the Labor Party, but -- and this point is much more important -- during the entire war years he was head of the British Radio Division Austria, and in the year 1938 he was in Austria personally and personally lived through and experienced the Anschluss. His opinion and his judgment, therefore, are of extraordinary importance, since they are the opinion and judgment of a prominent foreigner.

The same remarks also apply to the following document, the statements made by the American Senator Borah, who for 25 years was the head of the Committee of Foreign Affairs. His opinion seems of great importance and should be listened to.

The next few documents concern themselves with statements made by Dr. Zernatto. I should like to add that Dr. Zernatto was Austrian Minister, General Secretary of the Home Front, as well as being the right hand of Schuschnigg during the period of the Anschluss. He was one of the

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spiritual fathers of the Schuschnigg plebescite. I am sorry to say that he died abroad in emigration in 1940, and I cannot produce him as a witness here, but his book is a document and reproduces, in fact, those thoughts and those experiences which he lived through in those critical days.

I urgently request that the next three documents, which are very brief, be granted me.

The next two documents concern anti-Semitism. I only decided with regret to submit them, since I want to avoid any accusation of anti-Semitic propaganda. I did include them because in the trial brief my client is accused of being a member of an anti-Semitic group. This accusation is unjustifiable since these societies were very insignificant and they should not be considered more important than they actually were. If this matter is not emphasized by the Prosecution, I will not put any particular stress on it myself.

The last document which is being objected to, No. 71, contains an agreement which was concluded between Massaryk and Klinka, the Slovak leader, at which occasion Massaryk solemnly promised autonomy to the Slovaks, a promise which was not kept according to the letter of the agreement. A strong movement for autonomy resulted, and this movement was supported by Hitler. For the reasons just mentioned, I ask that I be granted this document as well.

THE PRESIDENT: Dr. Steinbauer, the Tribunal will consider the question of these documents.

Yes, Dr. Siemers.

ERIC RAEDER -- Resumed

DIRECT EXAMINATION -- Continued

DR. SIEMERS: If it please the Tribunal, yesterday in connection with the Norwegian problem, on one occasion I mentioned Documents 81, 82, 83, 84, 85 and 86, and submitted those documents. I beg your Lordship's pardon, but I forgot to mention and submit one document, and I would like to remedy this omission.

The document has already been granted me. It is Raeder Exhibit No. 88, which I would like to submit at this point, a document which is an extract

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from the White Book. It may be found in my Document Book V, on page 392. This document shows the British order of April 1940, regarding the plans for the occupation of Swedish ore fields, to be taken from the base of Narvik.

Since the Tribunal is familiar with this document, it will not be necessary for me to read from it.

BY DR. SIEMERS:

Q Grand Admiral, yesterday we had arrived at the topic of Russia and had stopped with that. I had put a question about the directive No. 8421-PS. You had answered that question to the effect that the Navy did not participate and collaborate in the setting up of this directive. You further stated that the Navy, in January, carried out those preparations according to command and order.

A May I make a remark on this directive to the effect that yesterday I believe you made a mistake when you said that this directive was signed by Hitler, Keitel and Jodl. Hitler signed it, but Keitel and Jodl only initialed it. That is, we are not concerned with the signature of the other two gentlemen since when these directives were issued they were signed only by Hitler, and the others could only countersign.

Q I beg your pardon, and I thank you very much for setting me straight on this matter.

DR. SIEMERS: In this connection, I should like to ask the Tribunal to refer to Document C-35, US-132. This document is found in the document book of the British Delegation, No. 10A, on page 16. It is an extract from the War Diary with the date of the 30th of January 1941. It deals with the preparations on the part of the Navy in accordance with the Hitler decree of the 18th of December, where Hitler, under No. IV of the directive, decreed that precautionary measures were to be taken in case Russia should alter her present position toward Germany, that is, only in case Russia should change her attitude toward Germany.

BY DR. SIEMERS:

Q Grand Admiral, in connection with your picturing of the Russian situation, the Prosecution has mentioned Document C-66, and has submitted

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this document, GB-81. This is your report of January 10, 1944 to Admiral Assmann for the historical archives of the Navy.

DR. SIEMERS: This document will be found in the document book of the British Delegation, No. 10, page 13. There you will find the basic position taken by Raeder with respect to the Case Barbarossa, and this is set forth under "a" of the document.

I have just heard that this document is also to be found in Document Book 10A, on page 35.

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BY DR. SIEMERS:

Q On that occasion you wrote: "At this time the Fuehrer had made known his 'unalterable decision' to conduct the Eastern campaign in spite of all remonstrances. After that, further warnings, if no new situationshad arisen, were found to be completely useless. As Chief of Naval War Staff I was never convinced of the 'Compelling necessity' for Barbarossa." Do you have to add anything to the statement you made in this regard at that time?

A I would like to add that despite the fact that the directives had been issued on the 18th of December, now at the end of December, as may be seen from document C-170, which I quoted yesterday on several occasions, this document shows that I gave a comprehensive speech and report in order to convince the Fuehrer about the inexactitude and incorrectness of this decision. This showed that I really over-stepped my bounds, so to speak, for if and when the Fuehrer had issued a directive, even if it applied only to a hypothetical case, it was in general more or less impossible to step up to him and offer contradictory or other measures; everything else, I mentioned yesterday.

Q Grand Admiral, yesterday, in connection with your counter-proposals made to Hitler with respect to Russia, you mentioned that at the time it had been planned to carry through the action "Seelowe", that is, to land in England?

A Yes.

Q When, according to your strategic opinion and the opinion of the navy, was this possibility disposed of, when did you have to dispense with this plan?

A In the course of the month of September, we still believed that the landing could be carried through. I can add a consideration from the commander-in-chief of the army and it was on my part that we had told Hitler, and he realized this fully, that for a landing, superiority in the air would have to be on our side and therefore we were just waiting to see whether we could actually produce this air superiority for the landing which, according to weather conditions, could be carried out later at the beginning of October and if it hadn't been possible to carry it out at that

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time to land, it would have to be postponed until the month of May of the following year. I came to pass that air superiority was not present in the proper degree and consequently, it was said that the landing would have to be postponed until the spring of the following year; further preparations were to be taken and they actually were taken, but in the course of the winter the idea of a landing was completely dispensed with and Hitler decreed that preparations on the coast along the channel should be carried on only to such a degree that the impression would remain to the English that this landing actually would take place -- in September, I had the impression that Hitler did not any longer have any great interest in carrying through the landing and that in his own mind he was completely sold on the Russian campaign and simultaneously with the Russian campaign, of course, he couldn't carry on a landing into England as well.

Q Now, I am turning to the accusations raised against you by the prosecution, that you were active and demanded a war against America. The prosecution has stated in this connection and has submitted document C-152, equal to GB-122, which is to be found in the document book of the British Delegation, No. 10, page 23. This document deals with an extract from the war diary of the SKL, dealing with a speech of the commander in chief of the navy -- that is you -- to the Fuehrer, made on the 18th of March 1941, in which you gave a report to Hitler. Under Figure 11 of this document, it is stated and I quote: "The Japanese must act to take Singapore as soon as possible since we would never again have an opportunity as favorable as this. The entire English fleet and the United States are not ready to carry on a war against Japan. The United States fleet is inferior to the Japanese fleet. Japan is preparing for this action and according to the statements of Japanese officers, Japan will wish to carry through this matter only when Germany is attempting to land in England. All effort in Germany must therefore marshal themselves to bring about Japan acting immediately. When Japan has Singapore in her power, all other greater Asiatic problems relating to the United States and England will be solved -- Guam, Philippines, Borneo, and Dutch East Indies. Japan wants to prevent this war against the United States of America and it can be done so if it will

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take Singapore promptly." The prosecution has construed this statement to this effect, that you wanted to instigate Japan to attack America. Is that correct?

A It is one of the most incorrect assertions contained in the indictment against me. It is entirely clear when I am involved with a naval battle with England with my smaller German navy, I do not want under any circumstances to have America on my neck as well and it has been discussed repeatedly that my most urgent effort during the entire first fewyears of the war was not to involve the United States and do anything to incite them. Admiral Wagner showed explicitly which limitations I had imposed upon the German navy in order to prevent that any conflict with the United States should come about. I imposed limitations which were almost impossible for me to account for when I carried on my U-boat warfare with the British with the small means at my disposal. On the other hand, the United States, beginning with the end of 1940 and during the entire year of 1941, pressed us in our naval warfare with all means and committed deeds which could be interpreted as completely not neutral. I should like to call your attention to the repairing of British warships at the United States of America. This is a matter which up until that time was completely unknown and unheard of and on the orders to shoot, on the part of Roosevelt, in June, July and September 1941, attacks by American destroyers in the Atlantic, attacks on our U-boats were in two cases in which U-boats were followed with depth charges for two hours until finally they surfaced and shot and in one case damaged the destroyer. Despire all of these provocations, in June 1941, I reported to Hitler that in the future the merchantmen of the United States should not be disturbed by us in any way and that the result and outcome was that United States merchantment were crossing the Atlantic completely undisturbed on sea lanes of their own choosing and that they were in a position to give reports about our U-boats and give reports about our sea warfare without our disturbing them in this connection or preventing them and that through this, the British were in a position to camouflage their ships as American ships. That, they did. For the first time when our armored ship "Sheer" or Battleship "Admiral Sheer" in crossing the Atlantic, saw a

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ship carrying the American flag, in searching this ship, it was found that this was a British ship, a Canadian Cruiser. Despite all of these reasons, I recommended to the Fuehrer, and he approved my suggestion, that we should take no measures against American ships and we did not go to Halifax -- Admiral Wagner already mentioned this and I need not clarify his statement.

Q This proposal that Japan captured Singapore was only for the purpose of having an ally against England, England with whom we were already at war?

A That is so far a fact and I should like to picture very briefly the development which lead to this proposal. This was not anything that I did on my own initiative but in the beginning of the year 1941, political negotiations were carried on by the Fuehrer and by the Foreign Minister with Japan. I was not even called into these negotiations and I must say, regrettably so, for at these negotiations many things were discussed which were not correct and on the other side, we can see that this was no talk about a conspiracy. There was a way of approaching, so to speak, on the visit of the Foreign Minister Matsuoka, I believe, in March -- on the basis of this entire development, the Fuehrer on the 5th of March 1941, issued a directive No. 24 and that is the document C-75, equal to US-151. The date is the 5th of March.

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DR. SIEMERS: I should like to callethe attention of the High Tribunal to C-75, the same as US 151, to be found in the Document Book of the British Delegation No. 10-a, Page 58. In this directive, No. 24, it says under Figure 3-a, "As the joint object of the carrying on of the war, it is important to conquer England, as soon as possible, and in that way to keep the United States out of the war."

And three paragraphs further down, under "b", it says: "The capture of Singapore --

THE PRESIDENT: Have you got the right reference? That on page 58 is instruction No. 54, concerning collaboration with Japan.

DR. SIEMERS: I have just been advised -- it was quite a surprise to me -- that of this directive, there is only a part of it to be found in the English translation, andI ask that the High Tribunal grant me the permission under these circumstances subsequently to submit the translation of the complete directive in this Raeder document.

THE PRESIDENT: Have you got it in your Raeder book, Dr. Siemers?

DR. SIEMERS: No, not up until now; for since I did not know that only a fragment has been translated, I am asking for permission to have this document completely translated and submitted in toto as a Raeder document.

THE PRESIDENT: Very well.

DR. SIEMERS: Thank you very much. This may be found Figure 3-a, and the next quotation will be found under Figure 3-d, and it says: "The capture of Singapore, which is the key position of England in the Far East, would be a decisive victory for the war effort of the three powers. Beyond that, attacks on other sea bases for the British sea power are to obtain only if the entrance of the United States of America cannot be prevented, andwill serve to hamper the war system of the enemy."

I ask the High Tribunal to note that fact that already on the 5th of March, which is the date of this directive, Hitler decreed the capture of Singapore. Consequently, the suggestion put by Grand Admiral Raeder in Document C-152, dated the 18th of March, cannot be considered decisive, since a Hitler decree was already existing at the time.

THE WITNESS: May I answer briefly? The same thing seems to apply to

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all cases which are being mentioned here: first of all, the political decision of Hitler; that is, the head of the State; then the directive of the commander-in -chief of the Wehrmacht, for the Wehrmacht; then the results which accrued to the various branches of the Wehrmacht.

After I received my directive of the 5th of March, I had to contemplate how, if Japan was to enter the war, Japan could act most suitably and expediently. And in this connection we were concerned with the question of how we damage our main opponent, Engalnd, on water, and therefore I had to insist that Japan move against Singapore, since there were circles who were of the opinion that Japan should attack Vladiovstock, which would have been a grave mistake.

The nucleus of power of England in East Asia had to be attacked, and that was Singapore, under the circumstances. But I as well believed that through the capture of Singapore, the United States of America would be intimidated and kept out of the war.

That caused me to make this proposal, and not vice versa.

BY DR. SIEMERS:

Q In this same connection, I would like to refer to Document 1877 PS which is mentioned in the special accusation against you. It is US 152, and may be found in the document book of the British Delegation No. 10, Page 320. It is a conversation between the Japanese Foreign Minister, Matsuoka.

I am just told now that 320 is incorrect. It should be 319.

THE PRESIDENT: It should be LO-A.

DR. SIEMERS: LO-A; that is correct, Your Honor. I beg your pardon.

It was a conversation between the Japanese foreign minister Matsuoka and von Ribbentrop on the 29th of March, 1941. We have already discussed this matter.

In the 8th paragraph of this document, the following is said:

"The Reich Foreign Minister again in this connection referred to the problem of Singapore because of the fear on the part of the Japanese that there would be U-boats attacks from the Phillipines, and the use of the British fleet. He had discussed the situation once more with Admiral Raeder.

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"Then I told him that the British fleet was in the home waters and in the Mediterranean, and she would have her hands full there, and she could not despatch even a single ship to the Far East.

"The American U-boats were considered to be so poor and insignificant by Admiral Raeder that Japan would not have to concern herself with them at all.

BY DR. SIEMERS:

Q Von Ribbentrop, in reply to my question on the 1st of April, 1946, declared that he had been mistaken. The statement was probably made by Hitler.

Will you please clarify this statement once and for all?

A I can only confirm that I never discussed these questions with Mr. von Ribbentrop, for I am sorry to say there was no connection between the Foreign Office and the O.K.M. especially since the Fuehrer had forbidden any information to be given to the Foreign Office by the military regency. Hence, that statement would never have been made by him, especially since his statements were completely in contradiction to my opinion, and especially since he had no basis for any such statements at that time.

Q Grand Admiral, on the other hand, were not these questions frequently dealt with in the S.K.L. dealing with the economic, industrial, and military strength of the United States, and that an entrance of the United States should be worried about?

We were entirely clear about this up until the last detail. Did you at any time during the war see this document 1877 P.S., which is before you?

A No, no.

Q As far as these discussions between Mr. von Ribbentrop and the Foreign Minister Matsuoka were concerned, and the discussions with Oshima, were you advised about these?

A No; I was told by the Fuehrer. It is shown in the document C 17- what the outcome of this discussion with Matsuoka was. But I had no discussions with Mr. von Ribbentrop at all.

DR. SIEMERS: May it please the High Tribunal, I have just been asked to correct a word which I have just used; and in order to be fair,

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I should like to do so.

I said, "Hitler, in his directive of the 5th of March, 1941, decreed to take Singapore. The manner of expression is not quite correct. He could not give orders to Japan. The mistake arises because the directive starts with the words, "The Fuehrer, in order to cooperate with Japan, has decreed the following." And under figure 3 it says, "The following basic principles or directives, apply". And among these basic, principles, or directives, the taking os Singapore is mentioned.

BY DR. SIEMERS:

Q Grand Admiral, at any conversation at all at any time, did you suggest to anyone at all or tell anyone at all that Japan attack Pearl Harbour?

A No, we never talked about that at all.

Q Did you hear anything about this plan before Japan attacked Pearl Harbour?

A Never. It was a complete surprise to me and the S.K.L. that this attack actually did take place, and it is a mistake in judging the mentality of the Japanese if one would assume that they would have told of such a plan to anyone not within Japan or to anyone who was not directly connected with this plan; and the same way in 1904. Out of the blue they attacked the Russian ships without anyon's suspecting anything like that at all.

DR. SIEMERS: May it please the High Tribunal; in this connection I should like to submit 3 documents which have been granted me, Raeder Exhibit No. 19, to be found in Document Book II, page 108. This document deals with the report by the American General Marshall which has been placed at my disposal for the assistance of the Court.

In this report, dated the 1st of September, 1945, General Marshall stated the following, and I should like to refer to page 116:

"In order to determine when and how Germany and Japan failed, I asked General Eisenhower to question the highest military leaders who at present are prisoners of war. The outcome of these interviews is of extraordinary importance and interest. They give us a picture of the divergence of opinion among the hostile nations as well as the lack of comprehensive

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planning. Both factors were evidenced in the critical moment of this world war, and were deciphered at the critical moment."

Two paragraphs further down, it says, "No proof has been found up to now tha the German Supreme command had an all-comprehensive strategic plan. The High Command, on general principles, approved of Hitler's policy, but his rather wild strategy was beyond the German military possibilities and capabilities, and brought about the collapse of Germany.

"The history of the German High Command, starting with 1938, shows constant personal conflicts in which increasingly Hitler's directives against military judgment dominated. The first clash took place in the year 1938, and in this, with the removal of Blomberg, Fritsche, and Beck, and the very effective conservative influence on the German policies ended with this removal.

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"The campaign in Norway, France and the Netherlands brought about serious divergences between Hitler and the Generals, especially as pertained to the details of the carrying out of the strategic plans. In any and every case the General Staff was for the carrying through in an orthodox manner of the plan, but Hitler, on the other hand, stood for an unorthodox attack, the object and aims of which lay deep within hostile territory in each case.

"Hitler's opinion dominated, and the most surprising result of each of these successive attacks raised Hitler's prestige to such a point where one did not dare any longer to contradict his opinion.

"Hits military self-confidence became unlimited after the success and victory in France and from now on he started to criticize the opinions of the higher generals, even in the presence of junior officers, until it came about that the General Staff could not resist when Hitler resolved on his fateful decision to attack Russia."

And on page 118, there is an extract dealing with Germany and Japan and I quote:

"In addition, there is no proof on hand showing a close strategic plan between Germany and Japan. The German General Staff realized that Japan was bound by the neutrality pact with Russia, but hoped that the Japanese would meet many forces of land sea and air.

"Since there is no proof to the contrary, it is assumed that Japan acted on her own initiative and not in accordance with previously laid and coordinated plans."

And further the documents which were granted to me, Raeder Exhibits 113 and 114, could be found in the Document Roman Numeral VI, p. 494 and p. 497:

THE PRESIDENT: Dr. Siemers, I think you should ask the witness whether he agrees with General Marshall's opinion.

DR. SIEMERS:

Q You agree with the opinions of the American, General Marshall?

A I do not absorb these thoughts. They were processes of thought which we had as well, but I cannot vouch for each thought. In order to speak with surety, I would have to look at these proposals or they would

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have to be read to me.

DR. SIEMERS:

I believe the rather general statement made by the Admiral is sufficient.

In Raeder Document 113 I should like to refer to the heading:

"ARMY FORESAW JAPAN'S MOVE." Marshall says:

"Washington, Dec. 11.

"Ge neral George C. Marshall, former Army Chief of Staff, acknowledged last night that the Army knew more than ten days before December 7, 1941, that a Japanese move toward Pearl HARBOR might take them past the deadline where the American chiefs believed the US should fight."

In order to save time I wi ll not read the particulars, but it may be gathered from the report by Marshall that the Japanese move toward Shanghai headed wouth was reported by the U.S. Army Intelligence November 25 and 26, 1941. And in addition to that Marshall testified that preparations had been worked out in the United States before the war for the construction of long range bombers to move toward Istanbul and Singapore.

In Raeder Exhibit No. 114, and I am also submitting Henry L. Stimpson's declarations under date 1f 21 March, former German Minister of War of the U.S.A.

"Henry L.Stimpson, former U.S. Secretary of War, disclosed that the late President Roosevelt's War Cabinet had discussed and rejected nine days before Japan's attack on Pearl Harbour - an American attack on the Japanese forces' without further warning."

"Stimpson recounted this in a statement that on the 28th November, 1941, he had received information of Japanes movements along the Asiatic Coast. On the same day, he said, the Cabinet met and discussed the possible meaning of the Japanese move."

He further said:

"That if the Japanese got into the Isthmus of Kra, the British would fight, and that if the British fought, we would have to fight."

Q According to this, Grand Admiral, did the United States know about these Japanese plans before you did?

A Apparently, yes.

DR. SIEMERS: Then I shall turn to the next accus ation put forth by the Prosecution, and that concerns itself with you.

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In this connection, the Prosecution has admitted Document 1807 P.S., which is the same as G.B. 227, to be found in the Document Book of the British Delegatio No. 10-A, Page 288.

This Document concerns itself with Jodl's diary, and especially the entries of the 16th of June, 1942. I am sorry. I have to beg your pardon. I am told it is page 287 rather than 288. This Document reads:

"The operational staff of the Navy (SKL), applied on the 29th May, for permission to attack the Brazilian sea and air forces. The SKL considers that a sudden blow against the Brazilian naval and merchant ships is expedient at this juncture, because defensive measures are still incomplete, because there is a possibility of achieving surprise, and because Brazil is to all intents and purposes fighting Germany at sea."

Q The Prosecution is accusing you of breaking neutrality and of violating international law because you made that proposal at a time when Brazil was neutral, and I might call your attention to the fact that the war with Brazil occured on the 22 August, 1942, please tell me from your memory just how you come to make this proposal?

A The relationship between Brazil and Germany at this time was frightful. The Germans were persecuted there. They were treated very badly. The economic interests of Germany were damaged heavily. The Brazilians had already been giving their ear to the United States. They had permitted United Radio stations and wireless stations had been established along the Brazilian coast, and also intelligence stations had been set up there. They confirmed themselves that they had destroyed a German U-boat, and on the other hand the German U-boats had attacked Brazilian ships, for the Brazilian ships had not had their lights on according to the regulations, and consequently could not be recognized as Brazilian ships. Before that Germany had asked all of the South American countries that their ships use their lights in such a way that they could be distinguished as to nationality at night. Then there were air attacks on U-boats of the Axis Powers which had taken place, and they could only have been carried on from Brazilian bases. At the request of the SKL to the Fuehrer, the Fuehrer decreed that once again we should ask the Italians for what intelligence reports they had received, and Italy in turn confirmed that some weeks before Italian U-boats, which had been operating together with ours, these Italian U-boats had been attacked near the Brazilian coast, and

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the Brazilian Air Ministry had made public the fact that hostile action by the Brazilian and United States air forces had attacked Axis U-boats.

On the basis of that confirmation the Fuehrer permitted that near the Brazilian coast arms or force might be used against Brazil, and then a plan was worked out, according to which a certain wave of U-boats left the French coast in order to clear the Atlantic and go to the Brazilian coast. The Fuehrer had agreed that this was not to be a needling but rather a serious enterprise. This operation was later stopped and I am sorry that I am not able to say for what reason this operation was not carried through, but it can be seen from our documents that all of these things are laid down in the war diary.

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DR. SIEVERS: May it please the High Court, I believe that the entire accusation as far as we are concerned would not have been raised if the document 1807-PS, Jodl's diary entry of the 16th of June had been admitted in toto. Only the first part was admitted, and, therefore, I should like to read this entry as Raeder Exhibit No. 115, to be found in Document Book, Roman Numeral 6, page 500, from the further statement made by Colonel General Jodl, and in the diary we may conclude that the situationwas investigated quite thoroughly.

The first part, which was submitted by the Prosecution, I have already quoted that part. That is the first two sentences. The rest of the wording of this diary is as follows:

"Ambassador Ritter of the Foreign Office declares that an intensification of the conflict with Brazil is undesirable, with regard to the attitude of Argentina and Chile, and that previous to measures of war against Brazil, consultations are to be held with Italy and Japan. Upon the proposal of the Chief of the Armed Forces Operational Staff, the Fuehrer ordered on the 30th of May, that the Naval Operational Staff (SKL) is to ascertain by inquiring in Rome whether the Brazilian reports about warlike actions against Axis U-boats are correct. The verification by the Naval Operational Staff (SKL) has shown that Italian U-boats were attacked on the 22 and 26 May at the North-East corner of Brazil by airplanes which beyond doubt had started from a Brazilian air base. The Naval Operational Staff (SKL) transmit, moreover, the text of the official communique of the Brazilian Air Ministry about the fighting actions, and proposes to order the 10 U-boats, due to sail during the period from 22 June to 4 July from ports in Western France, for duty off the principal Brazilian ports in the period 3-8 August, and detailing the tanker U-460 for that purpose. The order for execution must be given to the U-boats until 15 June at the latest. After the Commander in Chief of the Navy had reported this in the afternoon of 15 June to the Fuehrer at the Berghof, the Fuehrer declared himself in agreement with the intentions of the Naval Operational Staff (SKL) ordered, however, before any definite decision, that the political situation at once again be examined by the Foreign Office."

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I believe that this is so that we were careful enough; and I further would like to refer to Raeder Exhibit Number 116 which I should like to submit herewith, in the same document book, page 503, which is an extract from the War Diary; where under date of the 6th of June there is an entry that the developmen has led that a latent state of war is practically in existence with severe damage to all German interests. Individual Brazilian steamer sunk by U-boat because they were not lighted according to regulations. Increasing agitation in Brazil. Brazilians claim ti have already sunk German U-boat while patrolling the coast.

And a further extract from the War Diary, Raeder Exhibit 117, which I shoul like to submit herewith, to be found in the same document book, page 509. I should like to ask the High Tribunal to take official notice of this document and its contents and would like to refer only to figures 3 and 4. Under Figure 3 "When Brazilian ships began to provide themselves with camouflage paint and to arm, the authority was given on May 15 1942 to use arms against recognizable armed South Americans." And under Figure 4 it says: "Based on the fact that axis submarines were attacked by vessels along the Brazilian coast and that the Brazilian Air Ministry officially made public that attacks were being made by Brazilian airplanes, the Naval Operational Staff on 29 May 1942 in 12938/42 Top Secret of the Wehrmacht Operational Staff asked that authority be granted to use arms against Brazilian military forces and merchant marine."

I should like to submit also Raeder Exhibit Number 118 given in my document book VI. page 510. I ask the High Tribunal to take official notice of this document. I do not wish to quote any part of it since it seems to have the same contents as the matters already mentioned. I believe that the Figure 4 which I have just read from document 117 reproduces completely the fact, but this is clarifying the situation and it refutes any accusation against the Navy.

BY DR. SIEMERS:

Q To these extracts from the War Diary do you have anything to be added?

A No, there is nothing to be added. It is entirely clear.

Q Grand Admiral, may I ask you now to picture to the High Tribunal -- and with this I am coming to the conclusion of my examination -- to tell us how it came about that in January 1943 you resigned?

DR. SIEMERS: Shall we have our recess first or shall I continue?

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THE PRESIDENT: If you hope to finish in a few minutes we will sit on so that you may finish your examination.

DR. SIEMERS: I believe it will take perhaps ten minutes, Your Honor.

BY DR. SIEMERS:

Q Please picture how it came about that in January of 1943 you resigned; but before you come to that answer I would like to ask you one more question. In previous times had you ever had the idea to resign? That is, before you actually did resign?

A I would like to say briefly that in time of peace on several occasions I told the Fuehrer to please relieve me of my post; or I put an ultimatum to him. And in order to picture these facts I should like to give two examples. In Nov: of 1938 I had in the presence of Keitel made a report to the Fuehrer about the type of our ships and as to further development along these lines. On this occasion the Fuehrer began to tell us about everything that we had planned and were planning, including the plan of the Bismarck, and for a rather unexplained reason he attacked these plans and declared them as wrong. Later I found out that things like that arose for the reason that some person from his entourage, people who knew very little about such things, had given him their opinion; and as a result, he agreed, and perhaps, as I was told later, he wanted to check these matters to see whether the things he had been told were actually correct.

This case was so unusual that I could not do any more than just pick up my plans, put them in my brief-case, and leave the room. Keitel was there. The Fuehrer followed me to the door, asked me to remain, mitigated his accusation and asked me not to resign my post under any conditions now.

The second case was a purely personal one but it is rather typical of the situation. His naval adjutant had just been appointed. This Admiral wanted to marry a young girl who had had a rather unsavoury reputation. I told him I would never consent to the marriage. The Fuehrer had the girl brought to him and decided he would have nothing against the marriage, I left and sent the Fuehrer a letter in which I told him that I would refuse my consent, that the officer would not remain in the Navy should he decide to marry, or I would not remain. I told the officer who acted as my courier to bring back the answer. The Fuehrer had the officer wait two days and then sent him back to me with a letter, He said: "Very well, the officer cannot marry and remain in the Navy and he will not be

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used as a Naval adjutant, there will be someone else in his place. He will rema with me, he will have a position and will serve as one of my Party adjutants." A typical result for the Fuehrer was that up to a certain degree he wanted to make his will known, but this man was out of the way of the Navy, and I could make my convictions felt in this case, Under these circumstances I was ready to continue to serve. That was the beginning of 1939. In the course of Spring I asked again whether I could not be relieved of my position since I had served for many years in the Navy and I did not believe I should be able to remain in the dignity of my office. I suggested to him that perhaps at the first of October I should leave my post. The Fuehrer refused, and on the 1st of October we were in the war, and he said it was extremely urgent, that I could not and shoul not leave the Navy under any circumstances; and especially since I considered myself totally responsible for the preparation and the training of the Navy in the course of war, our working together at that time with very few exceptions had to be in good order and, sympathetic for the Fuehrer, I always tried to sho my respect in the course of the war. However, the relationship gradually was darkened and hampered, and for the reason that the Fuehrer became nervous and more nervous, and at meetings when there were divergences of opinion he flared up, and if there was any technical trouble or if one of my ships was not succes ful, he became rather abusive, and again and again it came about that his surrounders got to him before I could actually explain matters to him and I was called in subsequently and could only set him straight on these matters subsequently. In that way, scenes resulted; scenes which were very depressing to me.

A point on which the Fuehrer was especially sensitive: That was the large ship. He was uneasy when our large ships were out on the high seas and were carrying on war actions. And if we lost a ship, such as the Graf Spee, or perhap later the Bismarck, any loss like that he considered a trmendous loss of prestig and matters like that flustered him trmendously. Things like that went on until at the end of the 1942 additional forces came into play, and this was something which made an impression on me. There was my failure in the consultation with the Fuehrer in the questions dealing with the matters of Norway, France, and, above all, Russia. In the final analysis, he constantly relied on Party people and listened to them much more than to an old officer. That was a fact which c caused a situation which could not be tolerated for any length of time. One of

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the basic characteristics of the Fuehrer was a tremdous suspicion toward anyone and every one, but especially directed against old officers who had come to him from the old Wermacht and of whom he assumed -- about whom he assumed always, even though they treated him very well and with respect, that in their heart of hearts they did not have the thoughts that he expected and had to have. Especially the case of Russia had brought about many conflicts with him as to me and my relationship to him was influenced to a large extent through these clashes, And the man who sat up the war diary, Admiral Ossmann, who put together the minutes of these meetings, on one occasion in connection with one of these discussions said "The Commander in Chief of the Navy, therefore, is in complete contradiction to the Fuehrer in this matter."

At the end of 1942 just after I had concluded the Norwegian question one incident occured which brought about the end, There was to have been an attack on a convoy which was going to Murmansk, starting from England. It was in December at a period of time where in those northern regions there is just one or two hours of daylight where there is any favorable weather for the fighting by large ships, especially if they find themselves facing a large number of destroyers. The ships together with the destroyers had started on their journey and in the period of light had reached the convoy. Since the period of light disappeared very quickly and darkness fell and the convoys was guarded by many destroyers, the Commander considered it expedient to take these ships out of this enterprise, and that was the only decision, because otherwise these large ships might have been attacked. This formed later on a remarkably violent connection between this Admiral, and the S.K.L. was hampered through disturbing circumstances and had in some instances been severed altogether. These two facts led to the fact where the Fuehrer had it where I had to report everthing to him. The Fuehrer became extrmely excited. There were questions of pro and con which were discussed all day long and even in the evening I could not give him a clear picture. This excited him tremendously.

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A (Continued) Through Admiral Krenke he had many insults transmitted to me. He asked that I report to him immediately and I could see that there much friction would result. I did bring it about that only had to report to him after six days, that is on the 6th of January, so that the atmosphere could cool off a little bit. On the 6th of January I could travel there with a complete report at my disposal and in the evening we had a discussion with him and Field Marshall von Keitel was present also. He gave us a speech of about a hour's duration in which he made derogatory remarks about everything that the Navy had done so far, and this was in complete condradition to what he had sai before. From this I saw that he was anxious to bring about a break. I personally was convinced that I should take this opportunity to resign, and especiall as I saw more and more that the war was turning into a pure U-boat war, and I felt that I personally could leave at this moment with a clean conscience. Aft the Fuehrer concluded this speech I asked to be permitted to speak with him alone. Field Marshall Keitel and the stenographers left and I told him that I was asking for my resignation as I could see from his words that he was entirely dissatisfied with me and this I considered to be the proper moment for me to leave. He tried to tie me down a little bit, as always, but I remained adamant and told him that I knew a Chief would have to be appointed who would hav complete authority and responsibility, but he told me that this would be a gre burden on him if I were to leave now. He said for one thing, the situation was very critical; we were just before Stalingrad, and that he had already been accused of dismissing so many generals that to the outside world this would incr minate him if I were to leave at this point. I asked him what could I do so th this would not happen, that I would do everything to prevent him being incriminated, and that if he wanted to save face with the outside world, if he did no want it to seem that I left on account of his dissatisfaction he could have an "out" by making me a general inspector, give me a nominal title which would cr create the impression that I was still with the Navy and that my name would remain connected with the Navy. This seemed to appeal to him, and I told him on the 6th of January. that I wanted to be dismissed on the 30th of January. At this point I had concluded ten years of service as Commander in Chief of the N under Hitler. He agreed to this proposal and asked me to suggest two successor

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so that he could make a choice. On the 30th of January he personally dismissed me by appointing me the General Inspector of the Navy, and he said that he woul on occasion, consult me, ask me for advice; but that was something which never took place. I was sent out twice, once to Bulgaria when the King of Bulgaria had died and was being buried, and, in the second case, I was sent to Hungary to the Reich Administrator to bring him a gift from the Fuehrer.

Q Grand Admiral, you had no actual duties as Inspector?

A I had no functions and received no instructions.

Q Then my last question: Did you have the impression, in your conversation of the 6th of January, 1943 when you talked with Hitler, that he in a way wanted to be rid of you especially on the basis of your many differences of opinion, since you contradicted him frequently on Naval technical and political matters, Norway, France, and so forth?

A I do believe that he wanted to get rid of me at this time for I was rather disagreeable and uncomfortable with him at this time. This one case which I put through and in which I had made my will felt he never forgot.

Q Thank you very much.

DR. SIEMERS: May it please the High Tribunal, herewith I shall conclud my examination of Grand Admiral Raeder.

THE PRESIDENT: The Tribunal will sit today until half past one. It wil adjourn now for ten minutes.

(A recess was taken.)

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T (The Defendant Raeder resumed the witness-stand.)

THE PRESIDENT: Do any of the Defense Counsel want to ask questions?

BY DR. KRANZBUEHLER:

Q Admiral, yourecall the memorandum of the SKL of the 15th of October, concerning possibilities for more severe actions in the war against merchant shipping. That is in the book of the British Prosecution, No. 10, on page 96 and 97 of the British text. Admiral Wagner has already testified about it here. Can you add anything to that statement concerning the task and the meaning of that memorandum?

A Since the war against England came quite as a surprise to us, we had not up to then dealt with detailed questions of submarine warfare. Among other things we had not discussed the question of the so-called unrestricted submarine warfare which in the previous war played such an important part. And from that fact it developed that on the third of September the officer who has recently been mentioned here was sent to the Foreign Office with the few points to be discussed concerning that question of unrestricted submarine warfare, so that we should clarify with the Foreign Office just how far we ought to go. And that is the document which recently was discussed here, D-851, GB-451, of the 3rd of November --

Q Rather, 3rd of September.

A Yes, wrd of September.

On the basis of these discussions and negotiations with the Foreign Office and in the OKM -- the High Command of the Navy -- that submarine memorandum was drafted which you have mentioned and which was issued under the date-line of the 15th of October. I believe on the 15th of October I presented it to the Fuehrer who principally agreed with its text. But just that fact, that a memorandum about submarine warfare mentioning possibilities of increasing the severity of submarine warfare, was issued only on the 15th of October, shows how little we were prepared for that eventuality.

That memorandum contains the sentence which has been quoted by the Prosecution concerning our position with respect to international law, where it is said, ". . . highest morals, ethical standards in the fight, according to international law and supporting of all military measures by reference to

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international law. But if it should be possible by a deviation to get decisive results and if we can take the responsibility to deviate, then eventually one has to deviate from international law. That means that a new form of international law would have to be developed."

Besides, however, this entire memorandum was only an expression of a search for possibilities, involving the least damage to neutrals and the greatest possible adherence to international law, to conduct submarine warfare in such a manner that it would become a decisive factor in the outcome of the war. Cases are discussed as to how it would be possible to use severer measures, but it always deals with the fact that one should seek counter-measures against enemy measures, such measures as blockades or the new concept -- seige of England by submarine warfare. These are examined in all directions but the draft always comes to the conclusion that in view of the number of submarines and other conditions it was not yet possible to conduct such operations.

And the final result of that entire memorandum which is put down in that document can be found on the two last pages. Unfortunately I have only the German copy in front of me, where under D, Conclusion -- that is the last paragraph, D, Conclusion, the following sentences are significant, which I should like to quote --

THE PRESIDENT: That is the 15th of October, 1939?

DR. KRANZBUEHLER: Yes.

THE PRESIDENT: That is page 28, 10A?

DR. KRANZBUEHLER: That is in the document book of the Prosecution on page 96 and 97 --

THE PRESIDENT: Which one, 10?

DR. KRANZBUEHLER: Ten.

THE PRESIDENT: Those aren't right, those numbers. That reference isn't right.

DR. KRANZBUEHLER: 99 and 100, I am just told.

In the document book of the Prosecution there is only a short extract. The witness has the whole document in front of him.

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THE PRESIDENT: Where is the extract?

DR. KRANZBUEHLER: On page 99 and 100 in the document book 10 of the Prosecution. The number is GF-224.

Mr. President, another excerpt from the same document has already been mentioned and that is in the document book Doenitz 3, on page 199 until 203; but I do not believe that it is necessary to refer to it because the witness will only read one or two sentences.

A (Continuing) Well, the last paragraph "final solution" of the entire discussion under Figure 1, I quote:

"The manner in which warfare against merchant men has been conducted, according to prize regulations, so far is not according to military necessity. A major part of enemy merchant vessels among others, the entire support going through neutral ships, cannot be caught. The legal political demand to stop neutral merchant ships and to examine them, in viewof the strong protection by air and submarine defense in front of the enemy coast, can no more be done. War against merchant men, according to prize regulations, therefore, has to be limited and, as far as the North Sea and the Baltic are concerned, has to be left to surface vessels. In the Atlantic the submarines have to limit themselves off the enemy shores, to attack without warning on convoys, troop transports, armed ships, and all enemy merchant ships, and they conduct war against merchant shipping according to prize regulations only in particular cases.

"The use of operational air force in war against merchant men is not possible. War against merchant men is conducted according to International Law. The possibility for a conflict with neutrals does not exist."

Then one more sentence:

"If the Supreme War Command for political reasons could not decide more more severe forms of merchant shipping at the present moment, then by maintaining the forms heretofore used in war against merchant shipping by increased and more ruthless use of mines and aerial attack on enemy port installations, an increase of the effectiveness of measures against enemy trade can be obtained. A decisive effect, however, cannot

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be expected by war against merchant shipping such as it is conducted now."

Q Admiral, the immediate result of that memorandum and of your report to the Fuehrer was the order of the 17th of Octobe r?

A Yes, and that concerned, first, that all enemy merchant men could be torpedoed and, secondly, that passenger ships also in convoy could be torpedoed a short time after a proclamation to that effect had been made; that, therefore, was within an increase of severity of measures, step by step, such as we had answered up to then to enemy measures.

THE PRESIDENT: Dr. Kranzbuchler, that long passage that the defendant has just read, if it has not been put in evidence yet, it must be offered in evidence by you. I understand it is not in evidence as present

SIR DAVID MAXWELL FYFE: My Lord, I can help, I shall be using this document and I shall put it in.

THE PRESIDENT: Has it been offered in evidence?

SIR DAVID MAXWELL FYFE: Only part of it, not the part that the defendant has referred to. But, in viewof that, I shall refer to it later o

THE PRESIDENT: Very well.

BY DR. KRANZBUEHIE R:

Q Admiral, you mentioned that before 1935 certain preparations were taken for the reconstruction of German submarine weapons. Did Admiral Doenitz participate in these preparations?

A In no way whatsoever. As it was said before, he was abroad; but, even before that, he had nothing to do with it.

Q You have just reported about your dismassal as Commander-in-Chief of the Navy. Would you like to tell me how it cam that Admiral Doenitz became your successor?

A The Fuehrer had ordered that I should designate two admirals as successors. I suggested in writing --

THE PRESIDENT: Dr. Kranzbuchler, how does this arise? I mean, what relevancy hasit to anything we have to decide as to how Admiral Doenitz became head of the Navy?

DR. KRANZBUEHIE R: That has importance, Mr. President, because the Prosecution asserts that Admiral Doenitz, on the basis of political

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relations, had become the successor of Admiral Raeder.

THE PRESIDENT: All right.

BY DR. KRANZBUEHLER:

Q If you please, Admiral.

A I'll be very brief. I suggested, first, Admiral Karls, who was the senior and had a background concerning naval warfare; and in case the Fuehrer wanted it manifest that he wanted to put the U-boat warfare into the foreground, I suggested Doenitz, who had the requisite of authority and competence in that field. Any political considerations of any kind did not play any part; so that it was purely a technical suggestion, depending on the experience.

DR. KRANZBUEHLER: I have no more questions.

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DR. NELTE (Counsel for defendant Keitel): Mr. President, the Tribunal, by letter of 26 March, has permitted that an affidavit for the defendant Keitel by the co-defendant Raeder could be submitted if the Prosecution has an opportunity to question Admiral Raeder in cross examination concerning his statements.

I have sent the affidavit to the Prosecution, and the Prosecution raised no objection. I ask to be permitted to submit this affidavit, which is concerned with the function and position of Keitel as Chief of the OKW, as Exhibit K-19, after Admiral Raeder had confirmed that he signed this affidavit and that he agrees with its being submitted.

BY DR. NELTE:

Q Admiral, you know the questions which I pute to you and which, after a conference with your Counsel, you answered and signed on 19 March?

A That is about the position of Field Marshal Keitel in the OKW?

Q Yes.

A Yes, I am well aware of it.

DR. NELTE: Then, may I submit this affidavit? The Prosecution has a copy of it.

I have a few more questions to Admiral Raeder. The answers, however, can be much simplified with the permission of the Court. We are confronted here with the same question which, on 9 May -- that is a week ago -- I put to Admiral Doenitz and which refer to the assertion made by the witness Dr. Gisevius about the tremendous influence of Keitel and about the ring of silence which Keitel had erected around Hitler. I merely want to ask the witness Admiral Raeder, with the permission of the Tribunal, whether he has heard the answers which Doenitz gave in his presence to my questions and whether he considers them right also for the time before 1943; that is, for the period during which Raeder was commander in chief of the navy, and whether he can confirm the answers given by Admiral Doenitz. I ask for the decision of the Tribunal whether I should be permitted to put these general questions.

THE PRESIDENT: Yes, certainly.

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BY DR. NELTE:

Q Admiral, you heard what I just said, and I ask you, Can you confirm the answers given by Admiral Doenitz to my question on 9 May also for the period before 1943?

A Yes, that I can do entirely.

Q Now, I have one final question. During your testimony Document L-79, the small Schmundt file, was treated.

A You objected against the document as inaccurate and not of probative value?

Q Yes. Dr. Siemers then quoted a part of that document which the Prosecution, at the time when it submitted the document, had not read. In that part of the document we hear about a study staff with the OKW. I ask you now to tell me whether such a staff with the OKW was ever formed.

A Not to my knowledge. The work was done in the Wehrmacht Fuehrungsstab, the Armed Forces Leadership Staff, where there were officers representing the three branches of the armed forces.

Q So there was no change in the field of tasks and competence?

A No, certainly not.

Q That also concerns the question of the dealing with strategic and operations fields between OKW and Armed Forces Leadership Staff on one hand, the General Staff of the Armed Forces Branches, excluding the SKL, on the other side?

A Yes. As far as SKL, the Naval War Command is concerned, of course, there was no change.

Q Now, as far as the other branches, was there?

A That I can not say. I do not know about that.

Q Von Brauchitsch and Halder would have to tell us?

A Yes.

DR. NELTE: Thank you. I have no further questions.

THE PRESIDENT: Dr. Nelte, is the affidavit that you referred to contained in your document book?

DR. NELTE: No, not yet. It will be Number 19 of my document book.

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THE PRESIDENT: Yes. Will you have translations supplied to the Tribunal?

DR. NEITE: Yes.

BY DR. LATERNSER (Counsel for the General Staff and OKW):

Q Admiral, you are the senior member of the group of the General Staff and OKW, and you belonged to that alleged group for the longest time?

A Yes.

Q In what manner did you become a member of that so-called group?

A I was appointed by Reich President Field Marshal von Hindenburg as Chief of the Navy Command. I did not enter that group by doing so. I became Chief of the Navy. One did not know anything about any group of that kind.

Q About your joining this group, the Prosecution maintains that one had to do it voluntarily. Was there any possibility at all that military leaders could apply for any posts?

A No, it was only a question of military capabilities. It was a military order. There was no word of any possibility of volunteering.

Q The members of this group at that time, did you know the members of the group at the time when you belonged to it?

A No, I certainly did not know all of them of the other branches of the armed forces. Certainly not. A large number, yes.

Q Within the purely military leadership, was there ever a conference about a plan with the purpose of starting aggressive wars?

A No, there was never such a conference; such a conference never took place. It has been mentioned frequently here, and it has also been explained how the various enterprises came about -- the political decision of the Fuehrer, a directive issued by him, and then the draft of the final order.

Q Admiral, I do not mean now in connection with that question of the meetings which took place under the leadership of Hitler. I mean purely a meeting of military officials.

A What do you mean, within the various branches?

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Q Yes, within the branches.

A Of course, within the SKL, there were meetings about various questions, but not about aggressive war.

Q Yes, that is what I meant by my question. The Prosecution asserts furthermore, that that group which has been accused was only established by the National Socialist Regime. Is that correct?

A In no way whatsoever. There was no group in existence, but the organizationwas such as has been frequentlyexplained here.

Q And such as has always existed in all armies of the world?

A Yes, and in similar form always.

Q The Prosecution has furthermore asserted that after the seizure of power by Hitler, the high military leaders had the choice of either cooperating or of accepting the consequence that the new regime would establish new armed forces, that is, armed forces of their own, and that on the basis of these facts, the generals decided to cooperate. Is that assertion by the Prosecution correct?

A No. It is not true that any joining of forces had taken place. I know that such intentions existed. For instance, once in 1934 I reported to the Fuehrer that I had been informed that the Sa Gruppenfuehrer Killinger, who had come out of the navy, had the intention of becoming the Chief of the Navy, but any further intentions I did not experience, I did not notice. First of all, there has never been a joing action of generals against such intentions.

Q So the assertion made by the Prosecution is not correct?

A No, not correct. That wasnot a method which would have been in accordance with the sentiments of the soldier -- that such a joining of forces could be brought about.

Q The Prosecution furthermore asserts that the generals mentioned in that group would have been bribed by the regime because of the chance of conquest. Is that correct?

A That is absolutely incorrect and farfetched.

Q On the part of the military, was there ever any support for the

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intentions of the Party to come to power in Germany?

A I do not know that that ever happened. Do you mean the seizure?

Q After the seizure of power, in the attempts of the Party to get the sole power in Germany, sole domination of Germany, was the Party supported in that direction by military leaders, as far as you know?

A No.

Q Yesterday, on questions of your Counsel, you described the manner in which it came to your oath to Hitler. If such an intention existed in the mind of one of the commanders in chief, was there any possibility of refusing the oath?

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A I cannot say that, I cannot answer that but I believe that not one of us saw any necessaty to refuse that oath.

Q The prosecution has further asserted that the high military chiefs did agree, did quite agree with the principles and aims of National Socialism. Is that correct?

A I have explained that yesterday, here, how far one could agree with the principles of National Socialism and how far one could train one's soldiers in these principles. Anything that went beyond that was rejected and speaking for the navy only, the question did not find any acceptance in the Navy.

Q Did officers who were subordinate to you and who were members of that group, did they ever get any information about the political situation and the intentions of Hitler so that one could speak about the participation or participation in the conspiracy?

A No. It was generally prohibited to speak to anyone about speeches, speeches in which Hitler spoke about intentions and plans. The officers below the level of commander-in-chief of the armed forces branches, were only informed when it had come so far that the directive was issued.

Q The prosecution further asserts --

A I had to limit that. I have to qualify that. That directive was first issued, first written by the high command of the army, so they only received the information as soon as the directive of the individual branches of the armed forces was issued and that was sometime later.

Q The prosecution also asserts that the major military leaders had not been experts but that they had known the intentions of aggression of Hitler and had cooperated. Can you name any military leaders who, before they had received orders took a positive attitude to aggressive action?

A I could not say that. I have explained yesterday how Admiral Karls pointed out to me the danger which was menacing in Norway but he did not do anything further than give me the information and pointed out the existing danger to me and explained the situation there.

Q The attitude of the former commander-in-chief of the armed forces, von Fritsch, and that of chief of staff, Beck, concerning the question of a war was known. I just wanted to ask you, did the commander in chief of the army, Fi-

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marshal von Brachitsch, have the same attitude concerning the war?

A I believe so, yes.

Q Concerning the conference on the 5th of November 1937, you have spoken yesterday already in detail.

THE PRESIDENT: Dr. Laternser, you have been putting this class of question to every naval and military witness who has been called and what the Tribunal desires me point out to you is, that there has been no cross examination by any member of the prosecution challenging any of these points, so this evidence is entirely repetitive and cumulative and is bound to be put by you to every military and naval witness who comes into the witness box and it is simply a waste of time to the Tribunal. When questions are answered by a witness and are not cross-examined to by the other side, it is practice to assume that the answers are accepted.

DR. LATERNSER: Mr. President, that, for me, is a very important question which has just been touched upon. That is the question of whether a question is inadmissible because in the opinion of the Court it is cumulative. I should like to make a short statement concerning that, as to whether or not the question is cumulative.

THE PRESIDENT: Surely, Dr. Laternser, you can understand what the Tribunal has said to you, that it is now desired, in view of the directives of the Charter, that this trial is to be as expeditious as it can reasonably be but it does not desire to have the same evidence adduced to it over and over again. Is that not clear?

DR. LATERNSER: Mr. President, if I may assume that the Tribunal accepts the proof which I want to bring by my question as true, then I can forego these questions but I cannot find out whether that is the case and unless I know for sure that I have succeeded in bringing certain proofs, then I have to try to --

THE PRESIDENT: What I wanted to point out to you was that you asked the same questions of a great number of witnesses and that those questions have not been cross examined to and in such circumstances, you can assume that the answers given by the witnesses are accepted.

DR. LATERNSER: If I am able to draw that conclusion, then, of course, I shall not put such questions in the future. I have only a few more questions,

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Mr President.

BY DR. LATERNSER:

Q As a reason for the indictment of the group of the General Staff and the OKW, two affidavits have been presented by the prosecution -- one by Fieldmarshal von Blomberg and one by Colonel General Blaskowitz. In these affidavits, both generals state that in general, among the generals, before the war, the opinion was maintained that the question of the Corridor eventually by force would have to be dicided. Is that opinion stated by two generals correct? Was that the attitude in general at that time?

A I have never heard about such an opinion to me, also von Blomberg never made any statement of that kind. The Polish question was discussed by us in the navy only as far as it has been mentioned during the last few days here; that is to say, that an attack of Poland against parts of Germany shoul be prevented under all circumstances. The political treatment of that questio

THE PRESIDENT: The defendant says he has vnever heard of this suggest.

DR. LATERNSER: Yes, that was the reason why I put the question to the witness.

THE WITNESS: The political question after 1933 was only handled by Hitl and decided by him and he has said expressly that he would make all policies.

BY DR. LATERNSER:

Q Witness, it is therefore correct that the Generals did not share th opinion which Blomberg and Blaskowitz have mentioned?

A Well, at any rate, I have never heard it from the generals. It didn't exist in the navy. Yes.

Q You were present at the conference of the 23rd of November 1939?

A Yes.

Q I should like to put one supplementary question concerning that conference. Admiral, do you remember that in the course of that conference. Hitler reproached the generals because they still had old-fashioned ideas of chivalry and that these ideas should have to be rejected.

A That, I could not say with certainty. I believe that I can recall having heard such a statement, having heard that Hitler was of that opinion.

H0135-0047

Q Now, I have one last question concerning the documents which your defense counsel has already put to you in the course of his examination. It is the document C-66, submitted by the British prosecution under GB-81. It is in the document book 10, on page 13, of 10-A, page 35. On pages five to seven, last paragraph of that page, you have said the following and I quote: "It can be seen from many statements and plans, the Fuehrer expected an end of the Russia campaign in the Fall of 1941, while the OKH was very sceptical." Admiral I wanted to ask you what was the scepticism?

A Inasmuch as I know, the OKH was of the opinion that it would be impossible to conclude such a tremendous campaign in such a short period of time and many others shared that opinion, whereas the Fuehrer believed that on account of the new weapons and his strategy, he could conclude that campaign very quickly.

H0135-0048

Q Do you know anything about the fact whether there were at that office - - that is, the OKH - - any principal objections before the beginning of the Russian campaign?

A As much as I know, the Commander - in - Chief of the Army was very much against it, but I could not say anything definite.

DR. LATERNSER: Thank you. I have no more questions.

DR. KRAUS: Dr. Kraus, defendant's counsel, representing Dr. von Luedinghausen for von Neurath.

BY DR. KRAUS:

Q Admiral, in the course of the proceedings it has been explained, I believe by the co-defendant Goering, that Fieldmarshal von Hindenburg had expressl desired that Herr von Neurath should be foreign minister. Do you know anything about that?

A I received the information at that time, that Hindenburg had expressed that wish, and it caught my attention because Fieldmarshal von Hindenburg until that time had only been interested in the nomination of the War Minister and the Chief of the Army and Navy, and had considered it his privilege. It was the first time that he expressed that wish in the case of a foreign minister.

Q So it was not the practice of the Fieldmarshal to make any suggestions regarding the appointment of ministers.

A No. He had expressed that wish about the Reich War Minister, also to other previous governments, or the Social Democratic Government.

Q What may have been the reason for Fieldmarshal von Hindenburg making that exception in the case of Neurath?

A He probably wanted to make sure under all circumstances that the policies up to that time, which had been peaceful, should be continued in Germany. He was sure that von Neurath would continue these policies in his intentions.

Q So he had particular confidence in the attitude of von Neurath up to that time?

A Yes, beyond doubt.

Q You knew von Neurath pretty well, and you were informed about his political principles, weren't you? What were the main principles, the main lines of his policies?

H0135-0049

A Herr von Neurath endeavored to see a gradual recovery of the German people achieved, and he wanted to try to gain a quality of the German Reich with peaceful means.

First of all, he wanted to have good relations with England, which was also along the intentions of Hindenburg, and especially on this point both of us agreed easily.

Q So one can say that you considered von Neurath as the exponent of a policy of understanding with England, and a peaceful policy of balancing.

Rhen I have another question to you, Admiral. A Fritz Wiedemann, who was the adjudant of Hitler from '35 to '39, has submitted an affidavit. The Prosecutic has submitted that affidavit under PS-3037. In that affidavit Mr. Wiedemann states that on the 28th of May 1938 a conference took place in the Wintergarten of the Reichs Chancellory with all important people of the Foreign Office, the Army, and the leading offices. That was a tremendous meeting, in the face of which one could almost doubt as to whether all these people would have found room in the Wintergarten.

Here he met Goering, General Beck, Admiral Raeder, General Keitel, von Brauchitsch. There had been present at the same time, also, von Neurath, von Ribbentrop, and of course you.

In that meeting Hitler spoke among other things about Czechoslovakia and stated it would be his definite will that Czechoslovakia should disappear from the face of the map. Do you know anything about that meeting?

A Whereas otherwise I can recall every one of these larger or important meetings, I have not the least recollection of that meeting. The composition seems very unlikely. I have never seen in the same meeting von Neurath and von Ribbentrop together. I should like to doubt whether von Neurath during that time was even in Berlin. He was certainly not present at that meeting, but I could not remember any meeting in which von Ribbentrop was present as the Foreign Minister when military matters were discussed. I believe this Mr. Wiedemann is mistaken, because I believe I have never seen him in a meeting in which such matters are alleged to have been discussed. The Fuehrer usually sent his personal adjudants out. I believe that is a mistake.

Q Such an important statement made by the Fuehrer you would have remembered. You would have kept it in your mind.

H0135 - 0050

A Yes. During that summer the opinions of the Fuehrer were changing greatly. I believe that in the month of May a mobilization took place in Czechoslovakia. I could not say it with certainty, but a meeting of that kind where a statement like that would have been made I believe I did not take part in.

DR. KRAUS: No more questions. Thank you.

THE PRESIDENT: Any other defendant's counsel wish to ask any questions?

(No response)

Sir David, it seems scarcely worthwhile starting the cross examination.

SIR DAVID MAXWELL-FYFE: If your Lordship pleases, I entirely agree.

(The Tribunal adjourned until 20 May 1946, at 1000 hours.)